ESTTA Tracking number:

ESTTA244784

Filing date:

10/24/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91186498
Party	Defendant D'Amico Holding Company
Correspondence Address	STEPHEN R. BAIRD WINTHROP & WEINSTINE, P.A. 225 S 6TH ST STE 3500 MINNEAPOLIS, MN 55402-4629 UNITED STATES sbaird@winthrop.com
Submission	Other Motions/Papers
Filer's Name	Bradley J. Walz
Filer's e-mail	bwalz@winthrop.com, trademark@winthrop.com, sbaird@winthrop.com
Signature	/Bradley J. Walz/
Date	10/24/2008
Attachments	Motion for Extension.pdf (4 pages)(130844 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Ser. Nos.: 77/118,874; 77/117,564	77/117,561; 77/127,167; 77/127,164; 77/119,108;
For the marks: D'AMICO & SONS an	nd D'AMICO & SONS and Design
D&D Italia S.p.A.,	
Opposer,	
v.	Opposition No. 91186498
D'Amico Holding Company,	
Applicant.	

MOTION FOR AN EXTENSION OF THE TIME TO ANSWER WITH CONSENT

Pursuant to Fed. R. Civ. P. 6(b)(1)(A) and 37 C.F.R. 2.114(b)(2)(iv) (2008), D'Amico Holding Company ("Applicant") hereby moves the Trademark Trial and Appeal Board ("Board") for a 60-day extension to answer the Notice of Opposition. On October 24, 2008, Applicant electronically filed a consented motion to extend Applicant's time to answer the Notice of Opposition using the Trademark Trial and Appeal Board's (the "Board") online forms. However, Applicant unintentionally selected the counterclaim box, which caused the institution order to include deadlines that are irrelevant to this proceeding. Therefore, Applicant is filing this motion to correct the errors contained in the first motion filed electronically with the Board's forms.

Applicant received D&D Italia's consent to file this motion to extend Applicant's time to answer the Notice of Opposition by 60 days. Therefore, the parties respectfully request that the

Board grant their Motion for an Extension of the Time to Answer with Consent and adopt the schedule included on the attached Exhibit A.

Respectfully submitted,

WINTHROP & WEINSTINE, P.A.

Dated: October 24, 2008

Stephen R. Baird Bradley J. Walz

Bradley J. Walz

225 South Sixth Street, Suite 3500

Minneapolis, MN 55402

Telephone:

(612) 604-6400

Facsimile:

(612) 604-6800

ATTORNEYS FOR APPLICANT D'AMICO HOLDING COMPANY

EXHIBIT A

Time to Answer	12/27/2008
Deadline for Discovery Conference	01/26/2009
Discovery Opens	01/26/2009
Initial Disclosures Due	02/25/2009
Expert Disclosures Due	06/25/2009
Discovery Closes	07/25/2009
Plaintiff's Pretrial Disclosures	09/08/2009
Plaintiff's 30-day Trial Period Ends	10/23/2009
Defendant's Pretrial Disclosures	11/07/2009
Defendant's 30-day Trial Period Ends	12/22/2009
Plaintiff's Rebuttal Disclosures Due	01/06/2010
Plaintiff's 15-day Rebuttal Period Ends	02/05/2010

4108938v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Ser. Nos.: 7711756 77117564	1, 77127167, 77127164, 77119108, 77118874,
D&D Italia S.p.A.,	
Opposer,	
v.	Opposition No. 91186498
D'Amico Holding Company,	
Applicant.	
CERTIFICATE OF S	ERVICE BY MAIL
STATE OF MINNESOTA) ss. COUNTY OF HENNEPIN)	
Andrea M. Eichrodt, of the City of Minne Minnesota, being duly sworn, says that on the 2 Class mail, a true and correct copy of the	capolis, County of Hennepin, in the State of 4th day of October, 2008, she mailed by First
1. Motion for an Extension of the Tin	ne to Answer with Consent
in the above-captioned action to the following at and Trademark Office TARR database, to-wit:	t the address listed in the United States Patent
Thomas M. Furth Kudman Trachten Aloe LLP 359 Fifth Avenue, Suite 4400 New York, NY 10118	andria Eichnort
Subscribed and sworn to before me This 24th day of October, 2008.	Andrea M. Eichrodt
Maron Ebloomaust NOTARY PUBLIC	SHARON E. BLOOMQUIST NOTARY PUBLIC - MINNESOTA My Commission Fraige, Jan 31 2010

4108208v1